37

said that I would like to see Socialism, but as far as the principles of it go, I don't know anything about it.

THE COURT: That is all.

MR. CARLSON: Is that all, Mr. Anderson?

MR. ANDERSON: Yes, that is all.

(Witness excused.)

RAY E. RAINBOLT,

was called as a witness on behalf of the defendants, and having been first duly sworn, testified as follows:

DIRECT EXAMINATION

By Mr. Carlson:

Q Will you state your name, please? A Ray E. Rainbolt.

Q Where do you reside, Mr. Rainbolt? A 3418 Colfax Avenue, North, Minneapolis.

Q Are you married? A Married; yes, sir.

Q Have you any children? A I have five.

Q Prior to this trial, what was your occupation?

A Prior to this trial I was an organizer and recording secretary of Local 544, CIO.

Q And before you were recording secretary for the 544, CIO, what were you doing? A I was recording secretary for 544, AFL, and an organizer.

Q And how long were you connected with 544, AFL?

A Well, with a little explanation -- I can't answer that -- when the amalgamation was made.

38 Q What amalgamation are you speaking of? A With Local 500. I became an organizer of Local 544 from August of 1936, until January, 1938.

Q And after January of 1938, what did you do?

A Well, since January, 1938, I have had numerable jobs and positions with unions.

Q You have held various positions with driving unions?

A That is right.

Q Can you tell us what positions you held? A Well, in January, 1938, by agreement with the Teamsters' Joint Council, the International Union and Local 221, based on an election which was held, I was placed into Local 211. On February 15 of 1938, based on a controversy that existed between Local 125 and a section of the Cab Drivers of 544 --

Q What is Local 125? A Local 125 was the section of Cab Drivers.

Q I see. A They had got together on the basis of the agreement with the Teamsters' Joint Council and a strike was sanctioned. As a representative of the Teamsters' Joint Council, I was delegated with the authority of this strike. Following this strike of some 40 or 50 days, a new arrangement was made, whereas there would be a new union created. Based on the agreement and the acceptance of the men between 125 and 544 and by authority of the Teamsters' Joint Council, then the International, a new union was made known as Local 958.

39 Q And that was the new Cab Drivers' Local? A New Cab Drivers' Local, and in this Local I was appointed, subject to the approval of the men and the Teamsters' International and the Joint Council, its secretary-treasurer, and remained so until June 9, 1941.

Q So that in your relationship with Local 221, the Ice Drivers and this Cab Drivers' Union, you were placed in there by agreement of the Teamsters' Joint Council? A Well, except I was elected, you see, the first time in the Ice Drivers' Union, and later a situation developed in November of 1938 where, on the basis of the recommendation of the Teamsters' Joint Council, I was placed as a receiver in that union.

Q All right. Now, prior to August of 1936 when you became an organizer for 544, what did you do? A Prior to August 9, 1936, I was an employee of Local 574.

Q And what were your duties there? A Well, as I recall it -- well, my duties were as an organizer.

Q As an organizer? A That is right.

Q And when did you join Local 574 at that time? A I joined Local 574 shortly after the coal strike.

Q And prior to the time you joined Local 574 in the capacity of an organizer, what occupation did you follow?

A Prior to that?

Q Yes. A Well, I had worked for -- since the early part of 1930, for the A. S. Johnson Fish Company up in North Minneapolis.

Q And what did you do for them? A I was their warehouse foreman and shipping clerk.

Q Prior to the time you worked for this fish company, what did you do? A Well, for three years preceding that -- from 1927 until about '30, I wasn't doing anything. I was injured and for a period of three years there I didn't work. I had some vertebrae in my back broken.

Q That is, from 1927 until 1930? A Approximately that.

Q Prior to that time, whom did you work for?

A This injury occurred when I was working in 1927 for the Metropolitan Life Insurance Company. I had only worked for them a short while when that happened.

Q Prior to that time? A Prior to that, I worked for the American Railway Express -- a combination of the two. I started in 1912 for the Wells Fargo, and worked up until I went into the service, and then after I come back from the service, it was then known as the American Railway Express Company, and from 1919 until 1927 I worked for them.

Q What branch of the service were you in? A I was in the cavalry.

Q How long were you in the service? A Three years.

Q Did you ever join the Socialist Workers' Party?

A Yes, I did.

Q When did you join? A Well, to my best recollection, it was in -- in the fall of 1935, I believe. It wasn't the Socialist

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Workers' Party at that time.

Q At that time, what was it? A The Workers' Party, I believe.

Q And when did you attend your first meeting?

A Well, sometime in the fall of 1939.

Q And then were you a member of the subsequent party -- I believe it was the Socialist Party? A Yes.

Q And then did you also belong to the Socialist Workers' Party when that was formed? A Well, I belonged to the Socialist Workers' Party until January, 1938.

Q And can you give us the approximate date of the last meeting that you attended of the Socialist Workers' Party?

A Well, I couldn't say that I could give you the approximate date.

Q Well, could you give us the month or fix the time some way?

A Well, I attended some meetings in 1937. I will admit this, I was a very poor party member from the standpoint of attendance.

Q Did you pay any dues? A Yes, I paid dues and made contributions to the party.

Q Before you joined the Workers' Party, did you read any literature? A No, I -- the majority of my reading has had to do with the trade union problems. I am not very well educated; I am an eighth-grader and what education I have received, I received myself, and I haven't done much reading.

Q Did you read any literature while you were a member of the Socialist Workers' Party? A Outside of some articles in

42 The Militant, -- I followed the trade union lines there very closely.

Q Were you ever connected with the Union Defense Guard, Mr. Rainbolt? A Yes, I was.

THE COURT: Before you take that up, Mr. Carlson, I think we will have our recess.

(AFTERNOON RECESS.)

THE COURT: You may proceed.

Q (By Mr. Carlson) Mr. Rainbolt, while you were employed by the Drivers' Union, by whom was your salary paid?

A Well, my salary was paid by the Ice and Coal Drivers' Union, Local 221, from January 1, 1938, to and including, I believe, July, 1939, by Local 221.

Q Were you ever a member of the Union Defense Guard?

A Yes, I was.

Q Did you ever have any official position with the Union Defense Guard? A Well, I don't know whether you would call it an official position or not. I was elected at one of their meeting as chairman.

Q When was the first meeting of the Union Defense Guard held?

A Well, if I recall, the first meeting was some time in the early fall or late summer of 1938. I am not positive of the month; I believe it was August.

Q August of 1938? A Right.

Q And where was that meeting held? A Well, I think that the

first what you would call regular meeting, I believe, was held at Tommy Williams' house.

Q And who was present at that meeting at Mr. Williams' house?

A Well, as I recall, I believe Tommy Williams, myself, Ray Dunne, Shep Phyle, and -- oh, there were several other people, but I don't recall who they were.

Q And at that meeting did you discuss the setting up of the Union Defense Guard? A Well, as I recall, primarily the thing was discussed about setting up one, yes.

Q And what was the reason for setting up the Union Defense Guard?

A Well, since the early spring of 1938 there had been considerable agitation carried on here in Minneapolis by various organizations, and in particular the Silver Shirts. Pelley, and -- I forget the other individual's name. I believe it was Zachary-- were in here at various times. There was meetings held and there was certain statements which were supposed to have been made relative to the leadership of 544 in the union, and in halls. We discussed this thing over, this first meeting.

Q Did you read anything about any Silver Shirt meetings in the press? A Yes, there were some articles in there at various times. I don't just recall -- I did have the clippings of the Minneapolis and St. Paul papers and various other clippings, but they were taken away from me so I haven't got them. Otherwise, I would be able to refresh my memory.

Q And after this meeting at Mr. Williams' house, was the Union

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Defense Guard set up? A Well, there was a further meeting called before --

Q All right. And where was the second meeting? A Well, as I recall it, I think it was left to Williams to call the next meeting. He was given that authority on the basis of the first meeting, and we run into a little difficulty on the basis of the hall. We couldn't get a hall. We were going to hold the meeting at 257 Plymouth Avenue North, and we could not get the meeting, so as I recall it, Tommy came to me and said, "Well, we are supposed to have the meeting here and no place is available." I said, "Well, we can get one some other place then." I said that I could get a house, a hall or a house near my old home. He said it would be all right if that was permissible. I said that they didn't tell him not to. So the meeting was called for -- I don't recall the date, but it was at a hall over northeast -- I believe it was on 4th Street Northeast. I could drive to it, but I really don't know the address.

Q And approximately how many men attended that meeting?

A Well, I would say at that there meeting there was -- oh, there must have been at least 30 or 40 men.

Q And where was the next meeting held then?

A The next meeting was held in the basement at 257 Plymouth Avenue.

Q And who was invited to join this Union Defense Guard?

A Well, any trade unionist who cared to participate was invited

45 to join.

Q Were members of the Guard recruited from other organizations than 544, AFL? A Oh, yes, there was members from several different unions that I can recall offhand.

Q How often did the Guard meet? A Well, as I recall, after the first meeting or two, they voted to have a regular meeting for a period of -- I think they voted to hold five or six weekly meetings, if I am not mistaken, and it was on either a Wednesday or a Thursday night, for the coming period of five weeks. I believe that is the way it was set up.

Q To hold meetingsweekly for a period of five weeks?

A That is right.

Q That was immediately after the formation?

A Yes, within a week or two, or ten days.

Q Did you hear the testimony here that was produced relative to certain target practices that were held? A Yes.

Q How many target practices were held? A Well, I think that on the basis of those meetings, as I say, there were five meetings that were scheduled -- there could have possibly been four target practices.

Q What armament did they have down there? A Well, there was two 22 single shot target pistols.

Q Yes. A And two 22 single shot target rifles.

Q And where was that practice held? A It was held in the meetings.

46 Q Was it held in connection with the regular meetings, or independently of the regular meetings? A Well, there was really no regular meeting. They would assemble down there, and divide up -- of course, they all couldn't shoot at once, and they would stand around and talk;on the basis of the target range, why, it was only practicable that two people could fire at one time.

Q Do you know how it was decided or why it was decided to hold these target practices? A Well, principally I would say that -- what I think from the standpoint of -- oh, lack of interest. They were talking about the Silver Shirts and the Minute Men and some other organizations, and they wanted some way to step up the attendance with some form of recreation.

Q Was this discussed at their regular membership meetings?

A The question of target practice, boxing, and some other things was discussed at the meeting, and a proposal was made off the floor. It was balloted on as to what they would have, and they chose to have target practice.

Q Were other forms of recreation suggested besides target practice? A Well, I think after the second or third meeting that suggestion was made, and I think that they asked the chair to institute such forms of recreation, and they did, but it wasn't a very good success.

Q Was that the calisthenic drill? A Yes.

Q You wore them out, and after that they wanted --

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A Well, the old Army game -- I gave the command and says, "Continue the motion," and sat down, and they got tired of it.

Q Too many commands at one meeting? A How?

Q Too many commands at one meeting? A Well, I guess that is it.

MR. ANDERSON: I don't know yet who sat down.

THE WITNESS: I sat down.

Q (By Mr. Carlson) Now, after these four or five weekly meetings, how often did the Guard meet? A Well, with the gradually dying off of the Silver Shirt threat, there was no more further activity, and it was principally the sole function, as we gathered, based on the desire of the men, that the Chairman and Secretary retain some kind of a status on the basis of -- well, social functions, so we held a considerable number of them over a long period of time, and that was practically the activity outside of what you have heard on the stand.

Q Can you fix the approximate date of the last regular meeting of the Guard? A Well, I would say that the last regular meeting of the Guard relative to the Silver Shirts or anything was sometime late, very late in the fall of '38.

MR. SCHWEINHAUT: When?

THE WITNESS: '38.

Q (By Mr. Carlson) Did the Guard perform any other functions after they stopped meeting regularly for the Union?

A Well, we policed at all the picnics and we had some social

functions, and they also policed at the Christmas parties given by the union and the Teamsters' Joint Council.

Q Did you ever have anything to do with the situation that developed at the Minneapolis Brewery? A Yes, I did.

Q And what was your first connection with the Minneapolis Brewery? A Well, my first connection, as I recall, was sometime in the early part of 1940.

Q And do you know at that time who was working on the premises of the Minneapolis Brewery? A Well, I would say yes, I did.

Q Who was working there? A Well, at that time I believe Johnny Majersky was working there, Jake Ganzer, Joe Williams, Gene Williams, Spence Kelly, Green -- I forget his first name -- well, the three Williams boys were there off and on. I don't know just the time --

Q Was Mr. Holstein there? A Mr. Holstein was also there, and later on Buckingham -- or Buckingham was there at the time and later on Hanson.

Q Which Hanson? A Gene Hanson -- or Gene Larson. I am getting mixed up.

Q And did a dispute arise between the leaders of 544 and the employees at the Brewery?

MR. ANDERSON: We object to that as irrelevant and immaterial.

THE COURT: Will you read that question again?

(The question was read by the reporter.)

49 THE COURT: I suppose this is rebutting the Government's phase of it?

MR. CARLSON: That is correct.

MR. ANDERSON: Your Honor, as I recall the Government's testimony, it had nothing to do with that situation. Counsel brought out something in cross examination on the subject and now apparently what they brought out on cross examination they are going into. We submit that is wholly improper and without foundation, irrelevant and immaterial.

THE COURT: If that be the fact, of course, that is correct. Are you in a position to state, Mr. Carlson, that the Government primarily did develop it as a part of its case?

MR. CARLSON: That the Government developed it?

THE COURT: Yes.

MR. CARLSON: Well, it seems to us, your Honor, on this particular phase of the matter that the Government here has produced Buckingham, Holstein, Majersky -- several of these men who have testified against the officers and leaders who are now defendants, and it seems to us to be relevant to the issues here on the question of their bias in their testimony.

THE COURT: He may answer.

THE WITNESS: What was the question?

(The question was read by the reporter.)

THE WITNESS: Yes.

Q (By Mr. Carlson) And what was the cause of that dispute?

50 A Well, do you want me to explain it?

Q Yes, explain it to the court and jury. A Well, late in 1939 we received some complaints from the Brewery and we didn't pay much attention to them, and in 1940 we also received some more, and at an Executive Board meeting, why, I found out some particular things relative to it, and we brought the question up before the Executive Board and I suggested that somebody be placed in charge of this outside of Tommy Williams and that we get to the bottom of this thing and iron it out before somebody got in trouble.

Q And what did you find out that you thought warranted investigation by the union? A Well, there was an interpretation according to Williams' application of the rule over there that he was interpreting the over-the-road contract where it specifically stated if you drove 150 miles you couldn't load and unload your own rig, but people from as far as Rogers, Minnesota, were driving in there and were being soaked three dollars for loading and unloading their rigs.

Q How far is Rogers? A It is up here about 25 miles, I guess, or less.

Q All right. A I was instructed to iron this thing out, if possible, on the basis of the orders of the Executive Board. I had several conferences with the men on the job and, of course, the attitude of the men on the job was to take over the Minneapolis Brewery. The position of the union, the Executive Board,

51 and myself personally, was that the Minneapolis Brewery was organized and we weren't interested in taking over places that were organized. We wanted to organize the unorganized. Then I had some conferences with the Brewery officials relative to --

Q Let me interrupt here. Were these men working for the Minneapolis Brewery when they were making this three dollar charge?

A They were not.

Q Who was paying this charge? A Well, to my knowledge, the people that came in there getting beer were paying it. I heard some rumors from these people that --

MR. SCHWEINHAUT: Well, now, don't tell us, please, about rumors.

Q (By Mr. Carlson) To your knowledge. A I said, to my knowledge.

Q All right. Then what did you do? A Well, I further reported to the Executive Board and I told them that from my knowledge of the case the things over there were bad, and if they were allowed to continue that this was going to result in the indictment of the Executive Board based on a racketeering charge, and that we get this thing ironed out as quickly as possible, and I suggested that we go into a conference with the Minneapolis Brewery officials and attempt to get this thing straightened out.

MR. ANDERSON: I move that all of the answer be stricken out, up to the point where he said, "I suggested" that something be done. It is not responsive to the question, irrelevant and

52 immaterial.

MR. CARLSON: I think, your Honor, this goes to explain the situation that developed there, the cause of the dispute, and what was done about it, and how the antagonism grew up according to the leadership of 544.

THE COURT: Well, the answer may stand. I think if you would direct, Mr. Rainbolt, your answers to what you did and how it was done and so on, then the objections won't be made.

THE WITNESS: I will try, your Honor.

Q (By Mr. Carlson) I will try to shorten it up. What did you do about this matter? A Well, on the basis of the orders of the Executive Board I was placed in sole charge of the Brewery. So I went to the Minneapolis Brewery and suggested that these men be put on the Brewery payroll. I went to the men and told them that no more trucks would be stopped or interfered with in any way until such time as this issue was settled.

Q And what did the men say to this proposal?

MR. ANDERSON: Just a minute. We object to that as irrelevant and immaterial, unless specified as to what man said this or that.

MR. CARLSON: I will withdraw the question.

Q (By Mr. Carlson) What did Holstein say to this?

A Well, Holstein told me he would stop trucks when he wanted to, and I told him, "Well, if you do, you will be doing it on your own." So he started doing it on his own and he went to

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jail.

Q And did you have any conversations with any of the other men there, -- Majersky, for instance? A No, Majersky was no longer there. There were six men involved in the negotiations then.

Q Did you call a meeting of any of these men? A I did; I called a meeting of the six men involved on the basis of an agreement reached between the Brewery Workers' Local Union and Local 544, which had the verbal approval of the Brewery itself.

Q And what was the proposition that you submitted for the settlement of this dispute? A Well, it was an agreement signed by officials of Local 544 and the Brewery Workers' Union designating these six individuals for this particular job on the basis of a 40-hour week at $32 per week, to work under the Brewery Workers' contract, with a paid vacation.

Q And was there any opposition to this proposal?

MR. ANDERSON: I object to that as irrelevant and immaterial.

THE COURT: It certainly is in the case in chief. Now, I think the defendant here, who was in charge, has a right to give his views on that subject.

THE WITNESS: Well, in all my endeavors, as far as the labor movement is concerned, in attempting to iron out anything, I have never seen such opposition.

Q (By Mr. Carlson) Who opposed such a solution?

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A Practically all of them, with the exception of one man.

Q Did Holstein oppose this proposition that was submitted by you?

A Very bitterly and in no uncertain language.

Q And did --

MR. ANDERSON: Is there something humorous about this, your Honor?

THE COURT: I don't know what it is. Anybody who can't control his humor can leave the court room.

Q (By Mr. Carlson) Did Gene Williams oppose this?

A No, Gene Williams at this particular time opposed it, but he was not a party to it, because he had been ruled out by previous action.

Q Did the other men oppose it that were working at the Brewery?

A All but one of them.

Q Who was that one? A It was the man who was on the bottom of the seniority list, Gene Larson.

MR. CARLSON: That is all.

CROSS EXAMINATION

By Mr. Anderson:

Q Will you give us the names of the Brewery officials with whom you negotiated? A Sir?

(The question was read by the reporter.)

THE WITNESS: Well, I wouldn't want to say that the first contact I had was with a Brewery official on this matter. A personal friend of mine was Tommy Hastings, where I made the

55 contact, and then later Mr. Kewiell of the Brewery, and his attorney, Mr. Gerald Mullin.

Q Which Kewiell was it? A Well, I don't know which one it was. It was Kewiell, I know that.

Q Was it the President? A I think so; I think that is his title.

Q So that the first talk you had was with Tom Hastings, and then afterwards it was with a Mr. Kewiell? A Several talks with Mr. Kewiell and Mr. Mullin over at the Brewery.

Q And Senator Jerry Mullin? A That is right.

Q Well then, an arrangement was made with the Brewery officials as to this new proposal and new plan? A That is correct.

Q Yes. And do you know who represented the Brewery in those arrangements? A Yes, their business representative.

Q Who was it? A Mr. Delwaide.

Q Do you know how to spell his name? A D-e-l -- I don't know the rest of it.

Q Delwaide? A Delwaide is what they call him.

MR. CARLSON: So there will be no confusion here, are you asking about the representative of the Brewery, or the Brewery Workers' Union?

Q (By Mr. Anderson) Whoever you negotiated with at the other end of the line. A I said the agreement was arrived at between the Brewery Workers' Union.

Q Yes, and who represented the Brewery Workers' Union?

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A Mr. Delwaide.

Q Mr. Delwaide. A And between Mr. Kewiell representing the Minneapolis Brewery; that was the final agreement.

Q And that was negotiated or completed when?

A Well, it was some considerable time after I went in. It went in effect, I believe, in September, 1940, or October 1st.

Q And how long were the negotiations pending?

A Well, they was pending with the Brewery for quite a while -- pending with the Brewery from around February, 1940, up until -- oh, around June or so, before the Brewery agreed. Then it was a case of getting the Brewery Workers' Union to agree.

Q Oh, I see. So that in addition to having the Brewery institution to negotiate with, you had another union at the Brewery?

A That is right.

Q Did I understand you to say, Mr. Rainbolt, that you joined the Socialist Workers' Party? A Well, I think I corrected that by saying the Workers' Party.

Q The then Workers' Party? A Yes.

Q And what year was that, if you recall? A Well, I say it was late in 1935.

Q Did that Party have a headquarters then? A As I recall it, they did.

Q Where? A Well, there was headquarters down on 3rd Avenue South, I think is where it was.

Q And it had a pamphlet, a printed pamphlet of their Declaration

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of Principles, did it not? A I don't know anything about that.

Q Who asked you to join? A Well, I don't recall in particular of anybody asking me.

Q Where were you when you joined, if you recall?

A Well, if I recall right, I and Tommy Williams joined the same night, or we talked about it previous to joining.

Q And did I understand that you attended some meetings, or that you didn't attend any meetings at that time?

A Oh, I attended some meetings. I haven't attended many meetings.

THE COURT: May I inquire about what time this is?

MR. ANDERSON: He said late in 1935.

Q (By Mr. Anderson) Is that right? A That is right.

Q Yes. A You mean, when I joined, don't you?

Q When you joined? A That is right.

Q Yes. And did you attend meetings at 919 Marquette?

A No. As I recall it, I attended one meeting in 1938 at 919 Marquette.

Q And what time of the year was that? A I think it was in January, 1938.

Q And how soon after the Socialist Workers' Party had been organized? A Well, if I recall, it had been -- it was reorganized then.

Q Did you ever attend any meetings of the Socialist Workers' Party

58 at 919 Marquette, either Thursday evening meetings, Sunday fraction meetings, or Sunday forum meetings, when you weren't a member? A Oh, I have attended some forums down there and some social functions.

Q Did you ever attend a Thursday evening meeting when you were not a member? A No, not when I wasn't a member.

Q Did you ever attend a fraction meeting when you were not a member? A No.

Q Did you pay dues to the Workers' Party?

A Yes, I paid dues to the Workers' Party.

Q And continued to pay dues while you were a member?

A I paid dues, to the best of my knowledge, from 1935 until January in 1938 in both parties.

Q You mentioned a while ago a man by the name of Elmer Buckingham. How long have you known him? A Oh, for some time during his union activities when he worked -- prior to the time he was discharged at Schirmer-Strasburg. I don't know what time that was.

Q Well, did you know/late in the fall of 1939? A I did.

him

Q And you also knew him in 1940? A Yes.

Q Did you see him around the union hall? A I seen him particularly at one of these meetings that I had over the Brewery situation.

Q Would that be in '39 or '40? A In '40.

Q And what time in '40? A Oh, prior to the signing of this

59 agreement. I don't know -- I seen him four or five times from May, June and July, up until September or so. I met him over at the Brewery at different times.

Q You know Sidney Brennan? A I do.

Q How long have you known him? A I have known Brennan since 1936.

Q Did you see him frequently during 1939 and 1940?

A Yes, I have seen Brennan qite a good deal.

Q Do you know Helen Hanafin? A I do.

Q How long have you known her? A Well, Helen Hanafin came here in -- I believe, in August of 1936. I think that is the first time I was acquainted with her.

Q And from the time that you worked at 257 Plymouth Avenue North, you saw her almost daily? A That is right.

Q And did you know, in 1939, a man by the name of Roy F. Wieneke?

A Well, I know Wieneke when I see him. I haven't had -- I don't know as I have ever had much conversation with Wieneke. I wouldn't say I know him.

(The answer was read by the reporter.)

Q (By Mr. Anderson) Well, you saw him here in court, didn't you?

A That is right.

Q And you heard him testify? A That is right.

Q Did you know a man by the name of Karl Bath? A Yes, I have known Bath since, -- oh, I don't recall. I think it was sometime prior to '37, or when he came into the union as an independent

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truck owner.

Q And you knew him, of course, in '38, '39 and '40?

A Oh, he has been a member of the union up until June 9th, I guess.

Q And you saw him frequently at various times each week during these years? A I have seen him at union meetings. He was an organizer at one time. I seen him quite frequently then.

Q Did I understand you to say that the last meeting you attended was in January, 1938? A That is correct.

Q But that you paid dues, is that correct? A I said I paid dues up to and including January, 1938. I further added to that that I paid some contributions after that time.

Q Where were the contributions made? A Well, I met Coover one time and he gave me a little talking to about that I was no longer, or hadn't paid my dues, so I made a contribution. I think then later on that several times I have made contributions.

Q What was the amount of the first contribution?

A Oh, I believe it was five dollars.

Q And what were the amounts of the subsequent contributions?

A Well, I made maybe two or three of maybe four dollars, but I remember one in particular that I made of fifty dollars.

Q And when was that? A That was right after the attack on Leon Trotsky, the first attack.

Q And where was it that you made the contribution?

A If I recall right, I give Coover the money -- I don't recall

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where I give it to him. I give it to Coover anyway.

Q Was that before Cooper went down to guard Trotsky?

A Coover, I said.

Q Oh, pardon me, Coover. And you don't recall now where that was?

A No, I don't; I don't recall where it was. It might have been on a Sunday afternoon at that.

Q Did you have any special interest about Trotsky's situation?

A No, except from the standpoint of my knowledge of his life, of what little I had read. I was a sympathizer and I figured that based on what I knew, that from the standpoint of the Stalinist attacks that had taken place, and other things, why, I knew that his life was in danger and I was sympathetic to the point that I thought if it was at all possible within my power, what little I could do, why, as a sympathizer, I would do so, which I did.

Q That is, you had read about Stalin's works, Stalin's philosophy?

A No, I hadn't read that.

Q You hadn't read -- A I hadn't read Stalin's philosophy, no, because I couldn't get to first base. But I read plenty in the public press and other things about the GPU attacks and so on. I read it in the newspapers.

Q And I don't suppose you ever read anything about Trotsky's philosophy? A Well, me getting into philosophy would be kind of a bad thing because I don't think that I could understand it.

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Q Bad for you, or for what? A Bad for the book.

Q Oh, for the book. Well, you have had an eighth grade education? A That is right.

Q And do you think that you would have much trouble in reading anything such as the Declaration of Principles and Constitution, Exhibit A in this case? A Well, I haven't read it, so I would say that it would be difficult for me.

Q And you have been organization secretary of 544 since 1938?

A No, that is not right.

Q Well, how long? A Since 1939.

Q '39. And you read the press, you say? A Yes, I read the press like the average individual does.

Q And your lack of knowledge about Trotsky is because you fear you wouldn't be able to understand, is that right?

A Well, I would like to understand it a whole lot more than I did.

Q As I understand it, and you will correct me if I am in error, I noted that you had read The Militant very closely?

A From the standpoint of its trade union work I have read it very closely. I have followed it quite closely.

Q And when you say The Militant, was that also true about the Socialist Appeal? A Yes, I followed their trade union line, as I call it -- I have followed it since I have had it.

Q Sure. And would that also be true then of the magazines, the New International and the Fourth International?

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A I don't recall as I have ever read their magazine.

Q Were you a regular subscriber to the Socialist Appeal and The Militant? A At different times I have been a regular subscriber.

Q How recently? A My subscription run out -- oh, I forget when it was -- and I renewed it after a couple or three months. I am a subscriber today for The Militant.

Q I see. And when you weren't a subscriber, there was no time when copies of this publication weren't available at the union headquarters? A That is not true.

Q When was there a time when it wasn't available?

A Well, I have never seen copies of The Militant or Socialist Appeal available at union headquarters.

Q You have never seen it? A I have never seen them available, to my knowledge.

Q And you have never seen them for sale there and on hand?

A Yes, I have seen several of the party people after meetings on the sidewalks of the headquarters at 257 Plymouth Avenue North selling The Militant and the Socialist Appeal.

Q How recently? A Well, I haven't been there since June 9th, so I don't know whether it has been there or not since that time.

Q Who was there the last time you saw one? A Well, I don't recall.

Q Do you recall anybody? A Well, I know that they sold them;

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they were sold.

Q Tell us the name of one who sold them. A Well, I know that there was people up there selling them. They testified on the stand; I don't recall who it was, but I know that there was Militants sold there, -- or, I don't say Militants, -- Socialist Appeals.

Q So that you heard testimony on the stand, but you don't know who they were? A Well, I would say offhand that I don't know who they were, but I know they were sold there.

Q And if you weren't a subscriber getting it regularly --

A I would have bought one.

Q And you read in the Socialist Appeal in the issues in August, September and October, 1938, about forming a Union Defense Guard, didn't you? A Oh, I don't recall specifically about reading of them at that time.

Q But if there were articles in there and you were interested in trade unions, you would read them, wouldn't you?

A That is possible. I said I would on the basis of their trade union policy.

Q Yes. Well, did it ever occur to you what concern it was of the Socialist Workers' Party about having a Defense Guard for unions? A Well, I didn't say that was a concern of the Socialist Workers' Party.

Q It never occured to you? A About having Defense Guards?

Q No, that never occured to you? A It was my concern; that is

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the way I looked at it.

Q Yes, and you made it your concern? A I was interested in it.

Q And you knew it was the program and policy of the Socialist Workers' Party for the formation of Union Defense Guards throughout the length and breadth of this country, didn't you?

A Not when I first talked about it, about the question of Union Defense Guards; I don't think it was any policy of anybody.

Q Well, the first time you talked about it was after Emil Hanson had returned from Mexico City, at Tom Williams' house?

A That is not true.

Q At Tom Williams' house? A The first time I ever talked at all about the Union Defense Guard was after the stewards' meeting on May 20, 1938.

Q That wasn't then at the Tom Williams' house? A No, that was with Tom Williams.

Q I beg your pardon. I thought you said the first meeting was at Tom Williams' house. As far as you know, this Union Defense Guard still exists, doesn't it? A Well, I don't think so, for the simple reason of its name. I think it went out of existence on June 9th.

Q You think the name vanished on the 9th of June ?

A Well, I would say that that is what happened.

THE COURT: June 9th, what year?

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MR. ANDERSON: 1941.

THE WITNESS: Well, if there was any existence to it.

Q (By Mr. Anderson) What became of its assets?

A Its assets?

Q Yes. A Well, I am not interested in its liabilities; I don't know about the assets.

Q You didn't pay any attention to the assets. What were the liabilities. What was the nature of the liabilities?

A Oh, I think there was a deficiency of $22 or $23 on the basis of the last party that was held and was never straightened up.

Q Was that a union party, or what? A It was a party held prior to the 1940 Christmas party where we had sandwiches and beer and coffee.

Q Oh, the Guard furnished the party, not the union?

A That is right, the Guard.

Q Oh, I beg your pardon. A The Guard furnished all parties.

Q Christmas parties and all? A No, I said the parties -- I meant for the parties for the Guard, the Guard assumed the financial responsibility.

Q Well, I think it is more confused now than when you started. Did the Union Defense Guard have any parties?

A They did, yes.

Q Yes, and as a result of those parties, they incurred liabilities?

A That is right.

Q And those are the liabilities that you are concerned with?

A That is right.

Q Yes. And the union defense guard also sent flower to members when they passed into the life beyond? A That is right.

Q Including Tom Williams? A That is right.

Q When he died here last March? A That is right.

MR. ANDERSON: That is all.

MR. CARLSON: Just one more question.

REDIRECT EXAMINATION

By Mr. Carlson:

Q When was the last meeting or party that was held by the Union Defense Guard? A Well, if I recall right, the last meeting that was held, or party, the last one held by the Union Defense Guard is the one we just had reference to.

Q And when was that? A Well, it was sometime in late 1940, prior to the Christmas party. The meeting was scheduled to get the Guard members there so they could line up a program for the Christmas party which was being held at the Armory, and I just don't know the date.

MR. CARLSON: That is all.

(Witness excused.)

MILES DUNNE

was called as a witness on behalf of the defendants, and having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION